

14.12.2021
SL No.15
Court No.1
(PJ/SK)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 406 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Maynaguri P.S. Case No. 244 of 2017 dated 14.07.2017 (G.R. Case No. 2969 of 2017) under Sections 406/409/34 of the Indian Penal Code, 1860.

And

In the matter of : **Abhijit Mukherjee @ Mukharjee**
- Petitioner.

Mrs. Jeenia Rudra
... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Biswarup Roy ... For the State.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated. The petitioner was not named in the FIR. It is further submitted that the co-accused persons similarly placed have been granted anticipatory bail.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the materials available on record and bearing in mind the involvement of the petitioner in the commission of the alleged offence and also keeping in mind that the co-accused persons have been granted anticipatory bail and the charge-sheet has already been filed, we are inclined to grant

anticipatory bail to the petitioner as no custodial interrogation is necessary at this stage. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Abhijit Mukherjee @ Mukharjee**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Learned Trial Judge. We make it clear that the Learned Trial Judge while deciding the application for grant of regular bail shall take a decision independent of the observations made by us in this order.

The application for anticipatory bail, being CRM No.406 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)